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USWEST

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

Re: Petition for Rulemaking: Proposal for FCC to Prescribe
the Dialing Arrangement for Intrastate Toll Calls

Dear Ms. Searcy:

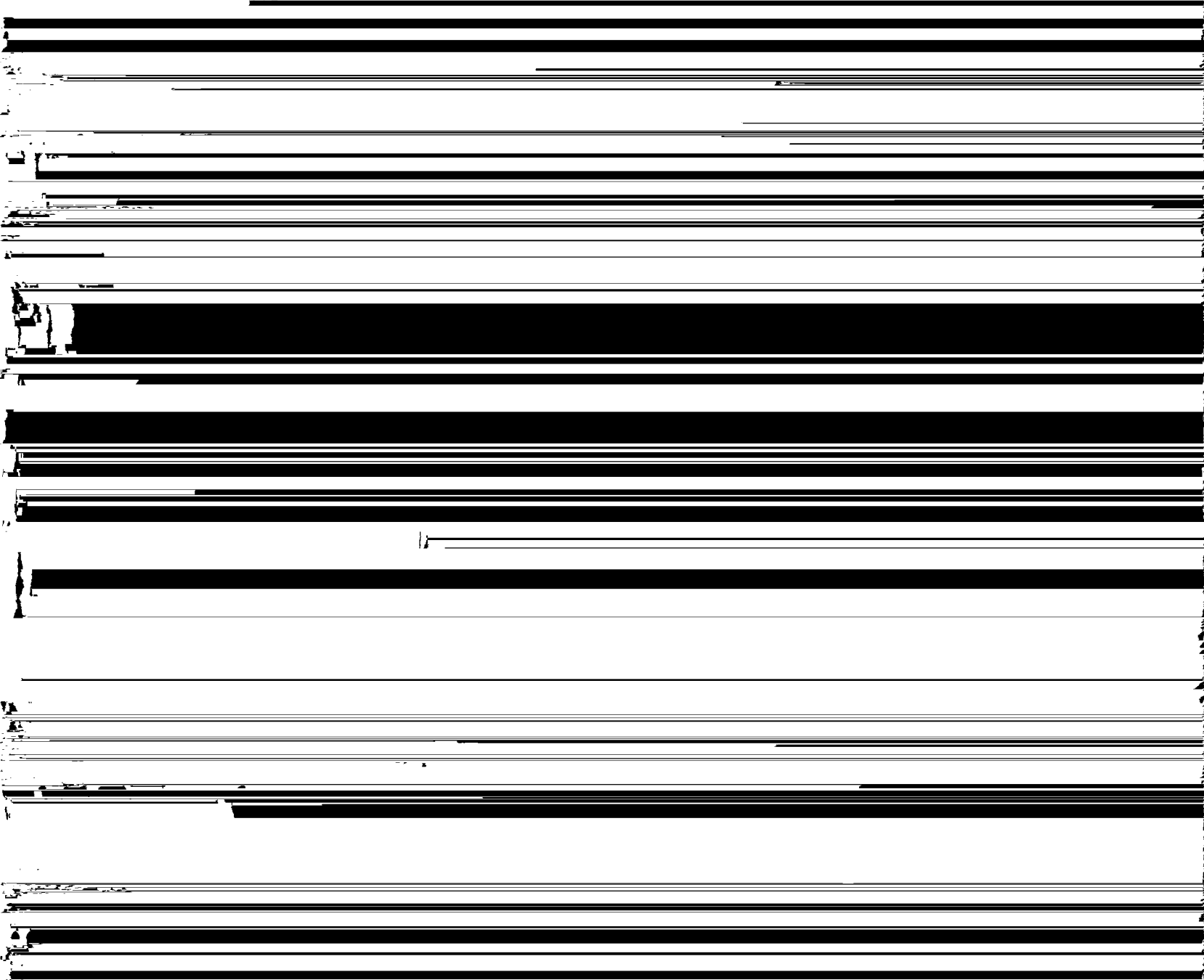
On May 6, 1993, several entities jointly submitted an ex parte in CC Docket 92-237 asking this Commission to commence a rulemaking and to adopt a certain dialing plan for intrastate toll calls effective January 1, 1995, when the industry implements interchangeable number plan area ("INPA")

Intrastate Dialing Arrangements
in a Post-INPA Environment
June 16, 1993
Page 2

use.² Under this plan, NPA codes will become "interchangeable" with central office ("CO") codes.

Carriers have historically distinguished NPA codes from CO codes on the basis of the first three digits of the dialed telephone number. If the second digit contains a "0" or "1," the code is an NPA code; if the second digit contains a "2" through "9," the code is a CO code. With interchangeable codes, however, carriers will no longer be able to distinguish NPA codes from CO codes on the basis of the second digit because the same three-digit code (e.g., 632) can be used as both an NPA code and a CO code.

The public has historically dialed 11 digits for calls destined to another NPA (i.e., 1 plus the 10-digit telephone number). The industry therefore agreed that to minimize public confusion, this 11-digit dialing pattern should



than the first approach, this approach will hamper the ability of callers to distinguish local from intra-NPA toll calls.

The petitioners prefer the first, 11-digit approach over the second, seven-digit approach. U S WEST has the same preference. However, the petitioners also ask this Commission to mandate use of the 11-digit approach, and it is here that U S WEST must part company with the petitioners.

Numbering Plan Areas do not cross state boundaries; NPA codes are assigned for use exclusively within the boundaries of a given state.³ Consequently, the issue raised by the petitioners — the appropriate dialing arrangement for intra-NPA calls — is necessarily limited to the question of how many digits should be dialed to make an intrastate call. The Communications Act reserves to the States jurisdiction over telecommunications within their borders,⁴ and this reservation would appear to include the power to decide how many digits their residents should dial for intrastate calls. It would appear, then, that the issue raised by the petitioners is more appropriately directed to the state public utilities commissions than to this Commission.

U S WEST must also question the need for a rulemaking even if this Commission may properly prescribe the dialing plans for intrastate calls. Petitioners give the impression that their preferred 11-digit dialing plan has been adopted in "some states" only.⁵ In fact, it appears that this 11-digit arrangement will be used in all 14 states in which U S WEST Communications provides exchange and exchange access services.⁶ In these circumstances, the need for a federal rulemaking is not readily apparent.⁷ Indeed, the peti-

³See BOC Notes on the Network - 1990, § 3.3.2, p. 3-3 ("In the United States, [NPA] boundaries must not cross over state lines.").

⁴See, e.g., 47 U.S.C. § 152(b) ("[N]othing in this chapter shall be construed to apply or to give the [Federal Communications] Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier . . .").

⁵Petitioners' Letter at 2 n.1.

⁶Commissions in seven states — Arizona, Colorado, Idaho, New Mexico, Oregon, Washington and Wyoming — have already endorsed this 11-digit dialing plan. This same plan has been endorsed by telephone companies and interexchange carriers in four other states where state commission approval is not required (Nebraska, Montana, South Dakota and Utah). Finally, the industry is proposing this same 11-digit plan in the three remaining states (Iowa, North Dakota and Minnesota).

⁷In fact, commencement of a rulemaking could be counter-productive. The INPA plan is scheduled to become effective in only 18 months, and carriers have already begun to modify

tioners have not identified a single state which has adopted the seven-digit dialing plan they oppose.

Two final points warrant mention. While U S WEST generally favors the 11-digit plan advocated by the petitioners, it cannot agree with their proposal to require 10-digit dialing for local calls between NPAs. Ten-digit dialing may be necessary for large metropolitan areas like Washington, D.C., but it is often not necessary — and, in fact, is not used — in the smaller areas served by U S WEST Communications, including Davenport, Fargo, Grand Forks, Lewistown, Omaha, Walla Walla, and dozens of even smaller areas. Petitioners have not recited a single reason why customers accustomed to seven-digit inter-NPA local calls should be forced to dial three extra digits when there is no technical reason to do so.

U S WEST is also compelled to respond to MCI's attack on Bellcore in its capacity as the North American Numbering Plan Administrator ("NANPA"). According to MCI, which supports the request for a rulemaking, Bellcore has "propos[ed] to allow carriers to drop the 1 and move to seven digit dialing," the second approach discussed above.⁸ This "recommendation," MCI says, calls "Bellcore's objectivity . . . into question" and "demonstrates the NANPA's dilemma in trying to accommodate its owners."⁹ MCI continues (inconsistently) that the "logical approach . . . would have been for the NANPA to recommend one approach."¹⁰

MCI has misstated the facts and mischaracterized the role of the NANPA. The NANPA has not, as MCI asserts, made any recommendation concerning one dialing plan over another; it has simply acknowledged that, from a technical perspective, several different dialing arrangements can be supported.

It would, moreover, have been improper for the NANPA to "recommend one approach," as MCI also claims should have been done. As even MCI concedes, "whether the toll indicator should be maintained is a public interest

their networks in anticipation of the January 1, 1995 cut-over date. A Commission rule-making proceeding would simply add a degree of uncertainty the industry does not need now that it has begun to implement the INPA plan.

⁸MCI Letter, note 1 *supra*, at 2.

⁹*Id.* at 3.

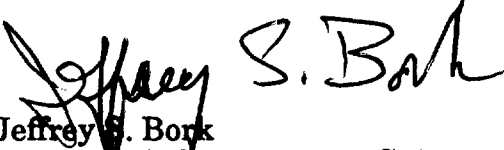
¹⁰*Id.* at 4.

Intrastate Dialing Arrangements
in a Post-INPA Environment
June 16, 1993
Page 5

(consumer) issue, not a technical or network issue."¹¹ Public interest determinations should be made by regulatory agencies and not the NANPA.

Respectfully submitted,

U S WEST Communications, Inc. and
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cc: Kathleen B. Levitz
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William G. Irving (County of Los Angeles)
Richard M. Dessel (New York Consumer Protection Board)
Joseph P. Markoski (Information Technology Association of America)
Brian R. Moir (International Communications Association)
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Bradley Stillman (Consumer Federation of America)

¹¹Id. at 4.